

EXHIBIT “A”

(DeSalvo)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CHRISTINE CONFORTI, ARATI KREIBICH,
MICO LUCIDE, JOSEPH MARCHICA,
KEVIN MCMILLAN, ZINOVIA SPEZAKIS,
and NEW JERSEY WORKING FAMILIES
ALLIANCE, INC.,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her
official capacity as Monmouth County Clerk,
SCOTT M. COLABELLA, in his official
capacity as Ocean County Clerk, PAULA
SOLLAMI COVELLO, in her official capacity
as Mercer County Clerk, JOHN S. HOGAN, in
his official capacity as Bergen County Clerk,
EDWARD P. MCGETTIGAN, in his official
capacity as Atlantic County Clerk, and E.
JUNIOR MALDONADO, in his official
capacity as Hudson County Clerk,

Defendants.

Civ. A. No. 3:20-CV-08267-FLW-TJB

FIRST AMENDED COMPLAINT

Plaintiffs Christine Conforti, Arati Kreibich, Mico Lucide, Joseph Marchica, Kevin McMillan, Zinovia Spezakis, and New Jersey Working Families Alliance, Inc. (collectively, "Plaintiffs") file this First Amended Complaint for Declaratory and Injunctive Relief against Defendants Christine Giordano Hanlon, in her official capacity as Monmouth County Clerk, Scott M. Colabella, in his official capacity as Ocean County Clerk, Paula Sollami Covello, in her official capacity as Mercer County Clerk, John S. Hogan, in his official capacity as Bergen County Clerk,

EXHIBIT “B”

(DeSalvo)

DONATO J. BATTISTA
HUDSON COUNTY COUNSEL
ADMINISTRATION BUILDING ANNEX
567 PAVONIA AVENUE
JERSEY CITY, NEW JERSEY 07306
(201) 795-6250

BY: DANIEL J. DESALVO (#010502006)
DEPUTY COUNTY COUNSEL
ATTORNEY FOR COUNTY OF HUDSON, E. JUNIOR MALDONADO, IN HIS
OFFICIAL CAPACITY AS HUDSON COUNTY CLERK

CHRISTINE CONFORTI, ARATI	:	UNITED STATES DISTRICT COURT
ARATI KREIBICH, MICO LUCIDE	:	DISTRICT OF NEW JERSEY
JOSEPH MARCHICA,	:	
KEVIN MCMILLAN, ZINOVIA	:	
SPEZAKIS, & NJ WORKING	:	
FAMILIES ALLIANCE,	:	
	:	
Plaintiffs,	:	CASE NO.3:20-CV-08267-FLW-TJB
v.	:	
	:	
COUNTY OF HUDSON, E. JUNIOR	:	<i>CERTIFICATION OF</i>
MALDONADO, in his official	:	<i>E. JUNIOR MALDONADO</i>
Capacity as Hudson County	:	<i>IN SUPPORT OF MOTION</i>
Clerk, et al	:	
	:	
Defendants.	:	

I, **E. JUNIOR MALDONADO**, certify as follows:

1. I am the Hudson County Clerk, and in my capacity as Hudson County Clerk, and pursuant to statute, I am responsible for the preparation of all ballots pertaining to the elections in the County of Hudson.

2. The design and layout of the ballot in a political party primary election is governed by Title 19 of the New Jersey Statutes, which provides the rules for the filing of

petitions, bracketing of candidates, slogans, and the process for the ballot draw to determine the order of the candidates.

3. During the 2020 Primary election there were also in place a series of Executive Orders which provided rules for the dates and times of elections and, also how the elections would be conducted via absentee ballot.

4. In order to appear on the ballot potential candidates are required to submit the requisite petition pursuant to N.J.S.A. 19:23-14. Municipal candidates submit their petitions to the Municipal Clerk. County Candidates submit their petitions to the County Clerk. State and Federal candidates submit their petitions to the Secretary of State. In order to create the ballots the Municipal Clerks and the Secretary of State communicate to the County Clerks which candidates should appear on the ballot, and for which office.

5. Candidates are permitted to bracket with whomever candidates they choose (so long as the candidates consent to being bracketed together) and this bracketing request must be submitted within 48 hours of the petition filing deadline, N.J.S.A. 19:49-2.

6. Plaintiff Spezakakis submitted a bracketing request letter on April 7, 2020 in which Plaintiff requested, "I hereby request to be bracketed with and otherwise featured on the same line of the ballot, and with the same slogan, "Not Me. Us." along with the candidate for County Freeholder. The letter also requested that she be bracketed with Lawrence Hamm, candidate for United States Senate. [See Exhibit "A"]

7. The ballot drawing was conducted on April 9, 2020 at 3:00PM via Zoom, and streamed live online via Facebook and Instagram due to the COVID-19 in-person restrictions in place at that time.

8. The names of the two candidates for United States Senator were placed on small, white pieces of paper with adhesive backing. Each candidate's name was then placed in its own small, plastic container. The containers were placed in a wooden "hopper," which is closed and rotated. The first name drawn was that of Senate Candidate, Lawrence Hamm. As first draw his name was placed in Column A. Senator Booker's name was drawn next and placed in Column B. Because Plaintiff Spezakakis and Mr. Hamm had consented to being bracketed with each other as candidates, Plaintiff

Spezakakis's name was placed under that of Candidate Hamm and in the row designated for Congressional candidates. Freeholder candidate, Roger Quesada, was placed below her name in the row designated for Freeholder at her request. (See Exhibit "B")

9. Attached is a copy of the Official Results of the Primary Election held on July 7, 2020, last updated July 23, 2020. *[Attached hereto as Exhibit "C"]*

10. Attached is a copy of the letter solicitation from Plaintiff Spezakakis to my office soliciting my support for her "Fair Ballot Project." *[Attached hereto as Exhibit "D"]*

11. I received no communication from any candidate contesting or otherwise challenging the ballot drawing for this ballot.

12. The Primary election occurred on July 7, 2020.

I certify that the foregoing statements are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: March 25, 2021

s/E. JUNIOR MALDONADO
E. Junior Maldonado

EXHIBIT “A”

(Maldonado)

Zina Spezakis
Candidate for United States Congress
House of Representatives, CD-9
400 Tenaflly Road, #695
Tenaflly, New Jersey 07670
zina@zinaforcongress.com

April 7, 2020

Honorable E. Junior Maldonado
Hudson County Clerk
257 Cornelison Avenue, 4th Floor
Jersey City, New Jersey 07302
countyclerk@hcnj.us

Re: Zinovia Spezakis Bracketing Request for 2020 Democratic Primary Election

Honorable County Clerk:

I am a candidate for the United States Congress House of Representatives in New Jersey's 9th Congressional District in connection with the June 2, 2020 Democratic Primary Election. A valid petition with signatures in excess of the required number of signatures has been filed by my campaign with the Secretary of State's Office. Please accept this letter pursuant to N.J.S.A. 19:49-2 and any related laws and other authorities with regard to bracketing and slogan/designation in connection with all machine ballots, vote-by-mail ballots, sample ballots, provisional ballots, emergency ballots, and any other ballots of any kind.


As the County Clerk is aware, pursuant to N.J.S.A. 19:49-2, a candidate who files nominating petitions with Secretary of State's Office may request to be featured on the same line of the ballot with the same slogan as candidates who file a joint petition with the County Clerk. When only one county freeholder position is on the ballot, the petition of a single candidate who filed a petition with the County Clerk satisfies the requirements of a joint petition for purposes of allowing for bracketing. See Gillen v. Sheil, 174 N.J. Super. 386 (Law Div. 1980). I hereby request to be bracketed with and otherwise featured on the same line of the ballot, and with the same slogan, "Not Me. Us." as the following candidates for County Freeholder in their respective districts, who submitted a petition to your office:

1. County Freeholder, District 1: Ninofhka Torres
2. County Freeholder, District 2: Gabriella Ambroise
3. County Freeholder, District 3: Rachael O'Brien
4. County Freeholder, District 4: Eleana Little
5. County Freeholder, District 5: Ronald Bautista
6. County Freeholder, District 6: Kevin Hernandez
7. County Freeholder, District 7: Casey Timorason
8. County Freeholder, District 8: Roger Quesada
9. County Freeholder, District 9: Arthur Rehak

I hereby also request to be bracketed with and otherwise featured on the same line of the ballot, and with the same slogan "Not Me. Us." As the following candidate:
Lawrence Hamm: Candidate for the United States Senate.

me. Should any issue arise, or any clarification be needed, please do not hesitate to contact

Very truly yours,


Zinovia Spezakis

c. Honorable Tahesha Way, Secretary of State

EXHIBIT “B”

(Maldonado)

020 : 020

REPUBLICAN - REPUBLICANO

Kearny - Form 17

Esta boleta de muestra de la elección primaria también se puede encontrar en www.hudsoncountyclerk.org. Se publicará una boleta de muestra en cada lugar de votación.

THIS IS A SAMPLE OF THE PROVISIONAL BALLOT THAT IS TO BE VOTED UPON AT THE PRIMARY ELECTION ON JULY 7, 2022

Clerk of Hudson County/Secretario del Condado de Hudson
June 23, 2020

E. Javier Maldonado

June 23, 2020
Date / Attest

DEMOCRATIC - DEMOCRATA

[illegible]

REPUBLICAN - REPUBLICANO

[illegible]

Secaucus - Form 20

Los centros de votación estarán abiertos desde las 6:00 AM hasta las 8:00 PM. ESTA ES UNA MUESTRA DE LA BOLETA PROVISIONAL QUE SE USARÁ EN LA VOTACIÓN DE LA ELECCIÓN PRIMARIA, EL 7 DE JULIO DE 2020

A limited number of polling places are available to voters on Election Day where only provisional paper ballots will be available to cast your vote. The location of your polling place is on the reverse side of this sample ballot. If a voter has a disability and needs an accessible ballot, he/she may call the County Clerk's Office or may go to their assigned polling place which will provide access to an in-person accessible voting device on Primary Election Day.

A sample ballot will be posted at each polling place.

County Board of Elections at (201)369-3435

porcentaje de egresos en el primer semestre de 2020.

correo, por favor llame al (201) 369-3470, opción 6

de Hudson es el 7 de Julio de 2020 a las 8:00 p.m.

persona el Día de la Elección Primaria

(201) 369-3470, opción 6 o la Junta de Elecciones del Condado al (201) 369-3435

EXHIBIT “C”

(Maldonado)

Primary Election July 7, 2020

RESULTS

★ DEM - HOUSE OF REPRESENTATIVES 9TH DISTRICT

(VOTE FOR: 1)
Last updated Thursday, July 23, 2020, 4:49:07 PM (8 months ago)

Results

Party / Candidate

☒ DEM Zinovia Spezakis☒ DEM Bill Pascrell Jr.☒ DEM Alpaslan 'Alp' Basaran☐ Personal Choice

MY FAVORITE RACE ★ (0)

★ (0)

Votes

673

19.80%

2,607

76.70%

116

3.41%

3

0.09%

Votes Cast

3,399

← Previous Contest

DEM - House of Representatives 8th District

DEM - House of Representatives 10th District →

Next Contest

TOTAL

VOTER TURNOUT

Ballots Cast:

21.22%

Registered Voters:

81,517

384,075

REPORTS

Summary CSV

Comma separated file showing total votes received.



EXHIBIT “D”

(Maldonado)

FAIR BALLOT PROJECT

County Clerk E. Junior Maldonado
257 Cornelison Avenue,
Jersey City, NJ 07302
countyclerk@hcnj.us

January 27, 2021

Dear County Clerk E. Junior Maldonado,

Thank you for your service to the citizens of New Jersey.

The Fair Ballot Project is working on behalf of New Jersey voters asking our elected officials to support fair ballot design. New Jerseyans deserve to have fairly elected leaders working for us. That's why we asked you to pledge to support fair ballots, such as ballots without lines, columns or slogans, by signing our attached Fair Ballot Pledge.

Studies have proven that the current design of our Primary Ballot has a huge effect on the outcome of elections. In fact, according to a legal challenge, "the state's failure to treat candidates for the same office equally places a significant burden on voting rights that would not survive a constitutional challenge." (RUBIN, 2020)

The United States is a democracy. Fair ballots are an integral part of that. As County Clerk, you are directly responsible for our Primary Ballot. As such, we ask that you work on behalf of our voters in support of fair ballot design by completing the Fair Ballot Pledge. For more information, analysis and data, please go to fairballotproject.org/research.

If you have any questions, please contact us at info@fairballotproject.org.

Sincerely,



Zina Spezakis
Executive Director
Fair Ballot Project

CC: Press

Source: RUBIN, J. S. (2020, June 26). *Can Progressives Change New Jersey?* Retrieved from The American Prospect: <https://prospect.org/politics/can-progressives-change-new-jersey/>

FAIR BALLOT PROJECT

Pledge

I, _____, pledge to the voters of Legislative District _____ of the State of New Jersey that I will support any and all efforts, legislative and otherwise, to reform New Jersey's primary election ballot system so as to

- a) promote equality and fairness between candidates running for the same office, and
- b) prevent undue influence on voters based on the design of the ballot itself, by getting rid of outdated and undemocratic practices such as bracketing, the County Line, preferential ballot draws for ballot position among candidates running for the same office, columns and rows.

Signature

Date

Witness

Date